



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 8 SEPTEMBER 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson**

Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Planning Applications Received (Pages 5 - 6)**
 - 4.1. 2021/0931/DOV - West Farm, West End, Ulleskelf, Tadcaster (Pages 7 - 16)**
 - 4.2. 2021/0655/FULM - Dovecote Park, Bankwood Road, Stapleton, Pontefract (Pages 17 - 34)**

4.3. 2020/1115/FUL - Villa Farm, Main Street, Appleton Roebuck (Pages 35 - 60)

Janet Waggott

Janet Waggott, Chief Executive

<p>Dates of next meetings (2.00pm) Wednesday, 6 October 2021</p>

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Public Attendance at Planning Committee

Public attendance at Council meetings is permitted once more; however, there are restrictions that remain in place due to Covid-19. If you intend to attend a meeting of the Planning Committee in person, please let Democratic Services know on democraticservices@selby.gov.uk as soon as possible. **Please note however that you are strongly encouraged to watch a stream of the meeting online instead of attending in person, and if you wish to speak, to also do this online via Microsoft Teams.**

Recording at Council Meetings

Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Planning Committee

Guidance on the conduct of business for planning applications and other planning proposals

1. The legislation which allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings to be held after this date will revert to being 'in person', but there will still be restrictions on numbers of attendees in the room due to Covid-19. **If you are intending to come to a meeting of the Committee in person, please let Democratic Services know as soon as possible, as you are encouraged to watch the meeting online instead, and if you wish to speak at the meeting, also do this remotely via Microsoft Teams.**
2. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
3. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
4. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
5. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
6. The next part is the public speaking process at the committee. Speakers will be able to attend the meeting in person again and will have to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands and following the one-way system which will be in place in the room.
7. Alternatively, speakers can join the meeting remotely via Microsoft Teams if they prefer to speak that way.

8. The following may address the committee for **not more than 5 minutes each**:
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

9. Members of the public registered to speak are encouraged to speak remotely (i.e., via Microsoft Teams online). If speaking remotely, they must submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday). This is so that if they experience connectivity issues their representation can be read out on their behalf (for the allotted five minutes).
10. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
11. The number of people that can access the Civic Suite will need to be safely managed due to Covid secure guidelines, which is why it is important for the public to let Democratic Services know if they plan on attending in person.
12. Speakers attending remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking and continue watching the stream on YouTube.
13. If speaking in person, the public will be asked to come up to a desk from the public gallery (where they will be seated in a socially distanced manner), sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
14. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
15. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
16. The role of members of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning Code of Conduct.

17. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g., approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g., one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
18. This is a council committee meeting which is open to the public.
19. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on democraticservices@selby.gov.uk
20. The arrangements at the meeting may be varied at the discretion of the Chairman.
21. Written representations on planning applications can also be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
22. Please note that the meetings will be streamed live on YouTube but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded, the Chair will inform viewers.
23. These procedures are being regularly reviewed.

Contact:

Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 4

Items for Planning Committee

8 September 2021

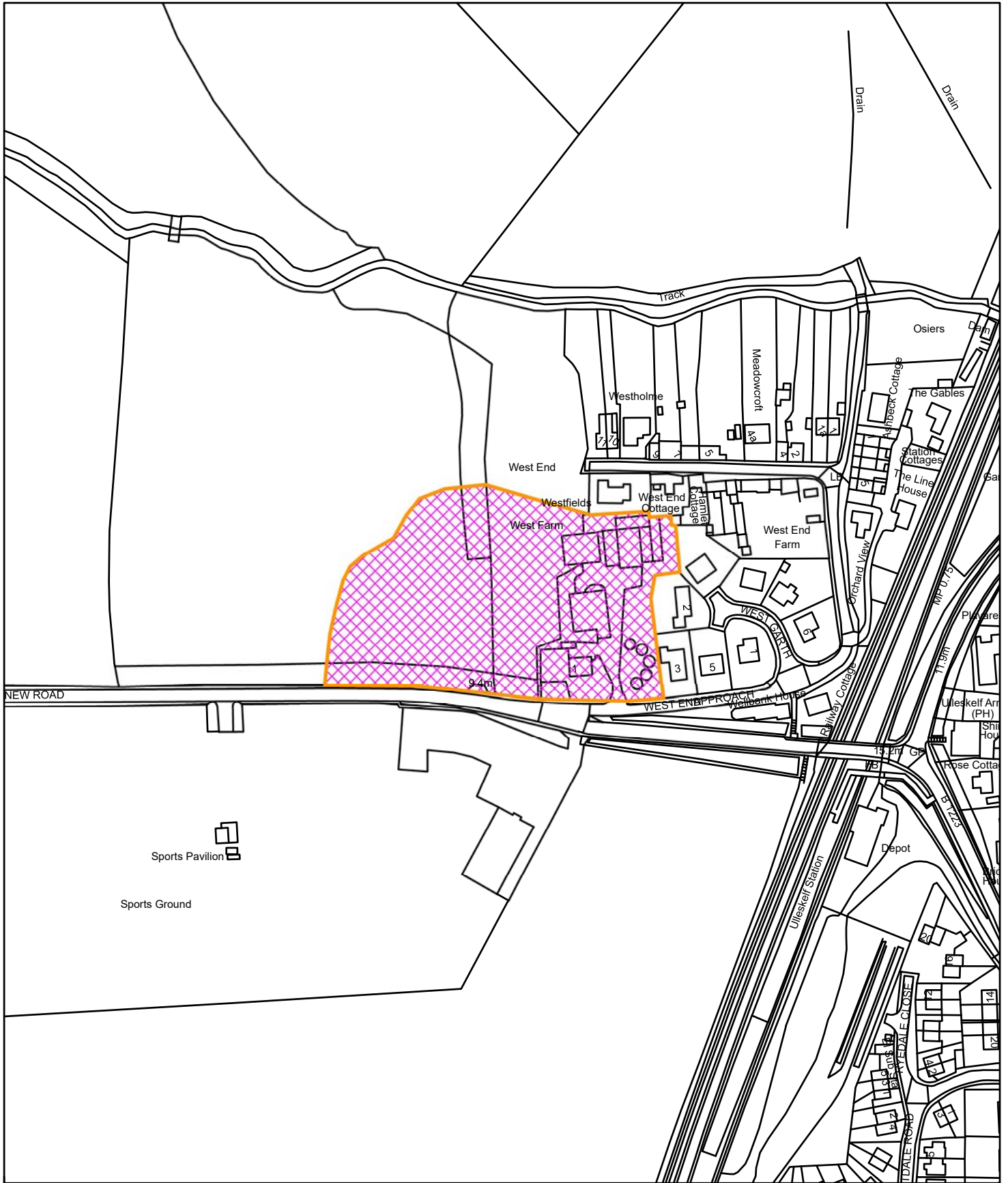
Item No.	Ref	Site Address	Description	Officer	Pages
4.1	2021/0931/DOV	West Farm, West End, Ulleskelf, Tadcaster	Request for a Deed of Variation to Section 106 agreement of approval 2016/0403/OUT Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale (Appeal Reference APP/2739/W/17/31731078)	YVNA	7 - 16
4.2	2021/0655/FULM	Dovecote Park, Bankwood Road, Stapleton, Pontefract	Construction of new tray store building (retrospective)	JETY	17 - 34
4.3	2020/1115/FUL	Villa Farm Main Street Appleton Roebuck	Erection of a six bedroom detached dwelling with detached garage on land north of Villa Farm/Rosemary Garth	IRSI	35 - 60

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Agenda Item 4.1

2021/0931/DOV

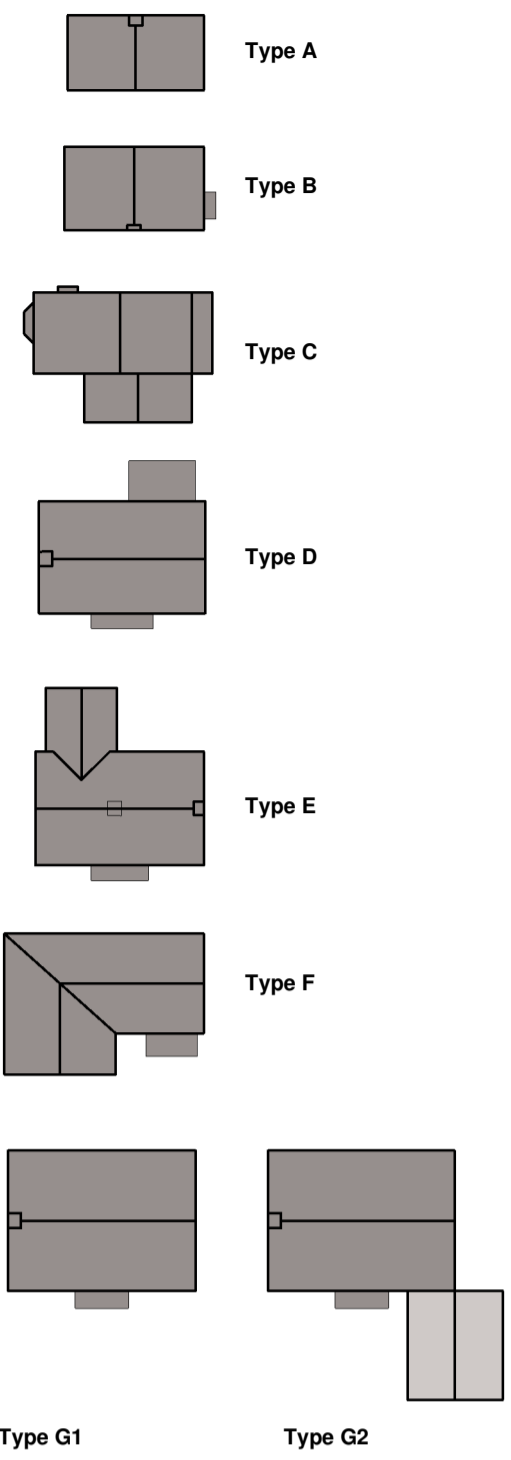
West Farm, West End, Ulleskelf



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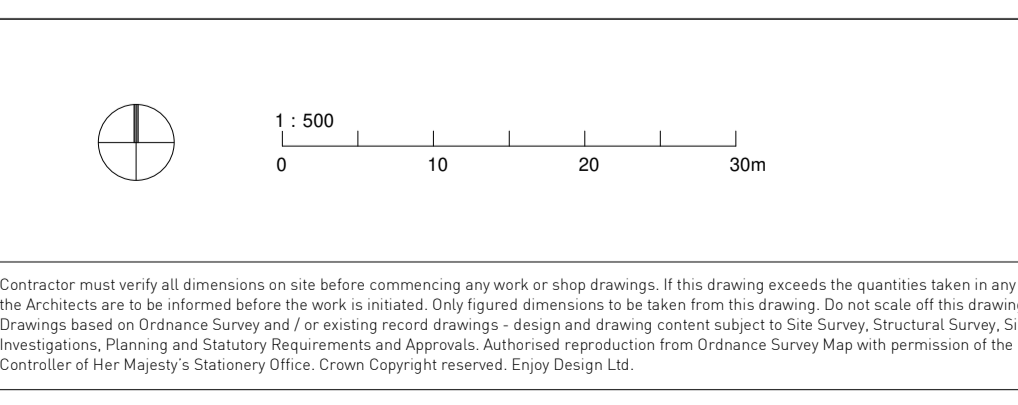
- Site Plan Legend**
- Existing buildings
 - Existing tree
 - Existing hedgerow retained
 - Proposed soft landscaping
 - Proposed Public Open Space
 - Indian stone paving to perimeter of dwellings & patios
 - Existing tree root protection zone
 - General macadam surface to Engineers details
 - General macadam surface with perimeter block paved margin detail to driveways
 - Perimeter block paving detail
 - Extents of 9.13m flood zone
 - Application Boundary
 - * For proposed bird box locations refer to ecologists report
 - Proposed tree - refer to landscape Architects information for detail

Plot Area Schedule

Plot Number	House Type	House Type GIFA	Gross Plot Area
Plot 02	House Type D	1678 ft ²	0.13 acres
Plot 03	House Type E	1894 ft ²	0.16 acres
Plot 04	House Type C	1500 ft ²	0.09 acres
Plot 05	House Type C	1500 ft ²	0.08 acres
Plot 06	House Type B	953 ft ²	0.04 acres
Plot 07	House Type B	953 ft ²	0.06 acres
Plot 08	House Type B	953 ft ²	0.05 acres
Plot 09	House Type B	953 ft ²	0.04 acres
Plot 10	House Type A	816 ft ²	0.04 acres
Plot 11	House Type A	816 ft ²	0.05 acres
Plot 12	House Type A	816 ft ²	0.05 acres
Plot 13	House Type A	816 ft ²	0.03 acres
Plot 14	House Type A	816 ft ²	0.03 acres
Plot 15	House Type A	816 ft ²	0.06 acres
Plot 16	House Type D	1678 ft ²	0.13 acres
Plot 17	House Type E	1894 ft ²	0.16 acres
Plot 18	House Type G1	2212 ft ²	0.19 acres
Plot 19	House Type D	1678 ft ²	0.17 acres
Plot 20	House Type D	1678 ft ²	0.18 acres
Plot 21	House Type G2	2714 ft ²	0.13 acres
Plot 22	House Type F	2136 ft ²	0.15 acres
Plot 23	House Type E	1894 ft ²	0.15 acres
Plot 24	House Type E	1894 ft ²	0.16 acres
Plot 25	House Type E	1894 ft ²	0.19 acres
24		34952 ft ²	2.51 acres



For landscaping and plot boundary / enclosure treatment details refer to landscape Architects proposals



Notes.

00 Series General Arrangement Notes

- Any areas indicated on the plans are approximate. They relate to the likely areas of the building at the current state of the design and are calculated using the stated e[NA] method from the Code of Measuring Practice 5th Edition RICS/SVA. Any decision to be made on the basis of these predictions, whether as to project viability, pre-letting, lease agreements or the like, should include due allowance for design development and building tolerances. Floor areas are subject to Planning, Building Control and other statutory approvals.
- Any structural, services or fit out detail shown is for coordination only, refer to relevant Consultants/Clients information for details.
- Refer to Enjoy NBS for full outline performance specification of Architectural Elements.
- THE CONTENT OF THIS DRAWING IS FOR DESIGN INTENT AND REQUIRES FURTHER DESIGN DEVELOPMENT AND COORDINATION WITH ALL RELEVANT CONSULTANTS, SUB-CONTRACTORS, SPECIALIST DESIGNERS AND STATUTORY AUTHORITIES.

Rev.	Des.	By	Date	Ch.	Status:
H	Bin stores updated;	DH	19/07/21	DH	
G	Masterplan design updated to reflect consultee responses;	DH	29/04/21	DH	
F	Reissued for planning	DH	08/10/20	DH	
E	Key added and re-issued for planning	DH	05/10/20	DH	
D	Site boundary to north east corner updated to reflect outline planning application;	DH	05/10/20	DH	
C	Plot amendments to 06/07/08/09	DH	22/09/20	DH	
B	Plots 06/07 drives reworked;	DH	22/09/20	DH	
A	Plots 8-16 reworked	DH	15/09/20	DH	

Client: West Farm Developments (Ulleskell) LLP		Job No: 20.057	
Project: West Farm, Ulleskell			
Title: Proposed Site Plan			
Date: 17/08/20	Scale: As indicated	Checked by: DH	Revision: H
Drawing No: 00004	Drawn By: DH		

Contractor must verify all dimensions on site before commencing any work or shop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is initiated. Only figured dimensions to be taken from this drawing. Do not scale off this drawing. Drawings based on Ordnance Survey and / or existing record drawings - design and drawing content subject to Site Survey, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals. Authorised reproduction from Ordnance Survey Map with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright reserved. Enjoy Design Ltd.

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Report Reference Number: 2021/0931/DOV

To: Planning Committee
Date: 8th September 2021
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0931/DOV	PARISH:	Ulleskelf Parish Council
APPLICANT:	West Farm Developments (Ulleskelf) LLP	VALID DATE:	28th July 2021
		EXPIRY DATE:	22nd September 2021
PROPOSAL:	Request for a Deed of Variation to Section 106 agreement of approval 2016/0403/OUT Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale (Appeal Reference APP/2739/W/17/31731078)		
LOCATION:	West Farm, West End, Ulleskelf, Tadcaster, LS24 9DJ		
RECOMMENDATION:	Deed of Variation be approved subject to delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to reduce the overall provision of an affordable housing commuted sum of £43,800 payable within 7 working days of the occupation of the 12th dwelling on the site (i.e., occupation of 50% of the scheme)		

This matter has been brought to Planning Committee for consideration due to it being a proposal to amend the approach on the provision of Affordable Housing from 40% on-site affordable housing provision as set out in the S106 Agreement signed under Appeal Reference APP/2739/W/17/31731078 to payment of a Commuted Sum for Off Site Provision.

1. INTRODUCTION AND BACKGROUND

- 1.1 The applicants intend to development out the site for 25 dwellings on land at West Farm, West End, off New Road Ulleskelf as granted under Appeal Reference APP/2739/W/17/31731078 (dated 14th February 2018) and a Reserved Matters submission is under consideration at present under 2020/1113REMM.

- 1.2 A S106 Agreement associated with the Outline Consent requires, amongst other items, that an Affordable Housing Plan shall show not less than 40% of the total number of dwellings to be provided as affordable **or** such alternative lesser percentage of the dwellings as agreed following a viability assessment as part of the Reserved Matters Approvals.
- 1.3 The S106 Agreement also required that prior to the submission of any Reserved Matters submission then the applicants should submit an “Affordable Housing Plan” to the Council and for this to be approved by the Council accordingly.
- 1.4 In accordance with the requirements of the S106 prior to the submission under 2020/1113REMM the Applicants submitted information to the Council under a Pre-Application 2019-0084 pertaining to viability and the ability of the site to provide 40% Affordable Housing. This was subject of discussions and advice from the District Valuer which resulted in the view being expressed by the DVS that 4 units would be viable and an offer being made by the Applicants of 2 units. Officers indicated at this stage that should the scheme come forward with 3 units shown then would on balance be supported by Officers in considering a Reserved Matters submission, and that the tenure of the units was expected to be 2 Social/Affordable Rent and 1 Shared Ownership unit which was considered to also conform to policy which expects a tenure split of 30-50% intermediate tenure and 50-70% Social/Affordable rent. As such at this stage there was an agreed position between Officers and the Applicants on the extent of the provision that should be shown on the Reserved Matters submission when it was forthcoming.
- 1.5 Upon submission of the Reserved Matters submission to the in Council in November 2020, although units were shown on the scheme that could provide affordable units provision, the Applicants however noted that they would be making further viability submissions to seek to reduce the Affordable Housing provision. In February 2021 the developers submitted a viability justification and discussions were then re-opened with the District Valuer. The review of the viability case has led to the submission of this Deed of Variation submission and a request being made by the Developer for a Deed to be agreed to amend the Affordable housing from on-site provision to payment of a commuted sum.

2. POLICY CONTEXT

- 2.1 The pre-amble to Core Strategy Policy SP9 acknowledges that securing 40% affordable housing is a “challenging target” and that provision from this source will be heavily dependent upon economic circumstances and the health of the private housing market at any one time. It is also acknowledged that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, should enable the development to be deliverable.”
- 2.2 National Planning Policy Guidance on viability (September 2019) states .

“Should viability be assessed in decision taking?”

Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with

up to date plan policies. A decision maker can give appropriate weight to emerging policies.

Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.”

- 2.3 The National Planning Policy Guidance has this to say about the weight to be attached to viability assessments:-

“The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.”

3. ASSESSMENT

- 3.1 Ordinarily on a scheme of this size the expectation of Core Strategy policy SP9 is for on-site provision of affordable housing; the policy states that “commuted sums will not normally be accepted [on larger sites] unless there are clear benefits to the community or delivering a balanced housing market by re-locating all or part of the affordable housing contribution.”
- 3.2 The submitted viability information has been subject of detailed advice and discussions with the District Valuer, with the scope of factors being considered including land values, development value, construction costs, sales data from nearby developments, abnormal costs, contingency costs, as well as other contributions via CIL and waste and recycling contributions.
- 3.3 An Executive Summary of the agreed position has been provided as part of the Deed of Variation submissions to the Council.
- 3.4 The initial viability appraisal submitted was in February 2021 (dated October 2020) by the Developer which was then considered by the District Valuer. The Stage 1 Report from the District Valuer dated April 2021 raised a series of aspects upon which it was felt further justification and information was required from the developer. At this stage it was the view at this stage of the DVS that the scheme could support 20% of the units being affordable provision alongside CIL payments and other S106 payments, whereas the developers had argued that the scheme could not support that which had been agreed under the Pre-Application submission and that in their view the site could not support any affordable units.
- 3.5 Following further information being submitted to respond to the Stage 1 Assessment by the Developer, alongside a review of the costings for the scheme by a third-party Quantity Surveyor the District Valuer confirmed in July 2021 that the scheme would support an Affordable Housing Off Site payment of £43,800. On this basis it is proposed that the Deed of Variation is progressed to secure this payment to be made to the Council for off-site affordable housing provision.

- 3.6 As a result of this agreed position between the developer and the District Valuer a Draft S106 Deed of Variation has been provided to the Council and this is being reviewed by Legal Officers. The Draft Deed of Variation includes clauses not only requiring the owners of the site to notify the Council of the whom will be paying the monies within 7 days of the commencements of development it also includes a clause that the monies should be paid to the Council within 7 working days of the occupation of the 12th dwelling on the site (i.e. occupation of 50% of the scheme). There is also a proposed clause that upon payment of the monies the owner can then progress to sell any remaining market units on the site.

4. CONCLUSION AND RECCOMENDATION

- 4.1 Overall, Officers consider that by not agreeing this variation the planning consequences of this would mean that the development would be unlikely to proceed. Therefore, it is the Officers view that that a planning balance needs to be struck between the policy aim of achieving the up to 40% affordable housing target against the benefits of maximising the prospect of housing being delivered.
- 4.2 In addition Officers consider this revised proposal to be acceptable and justified by viability assessment which would maintain the viability of this scheme, thereby allowing it to proceed unhindered to completion and securing its contribution to the District 5-year supply of housing.
- 4.3 On this basis Members are asked to support the recommendation for a Deed of Variation be approved subject to delegation being given to Officers to complete a Deed of Variation to the original Section 106 agreement to reduce the overall provision of an affordable housing commuted sum of £43,800 payable within 7 working days of the occupation of the 12th dwelling on the site (i.e. occupation of 50% of the scheme).

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2021/0931/DOV and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

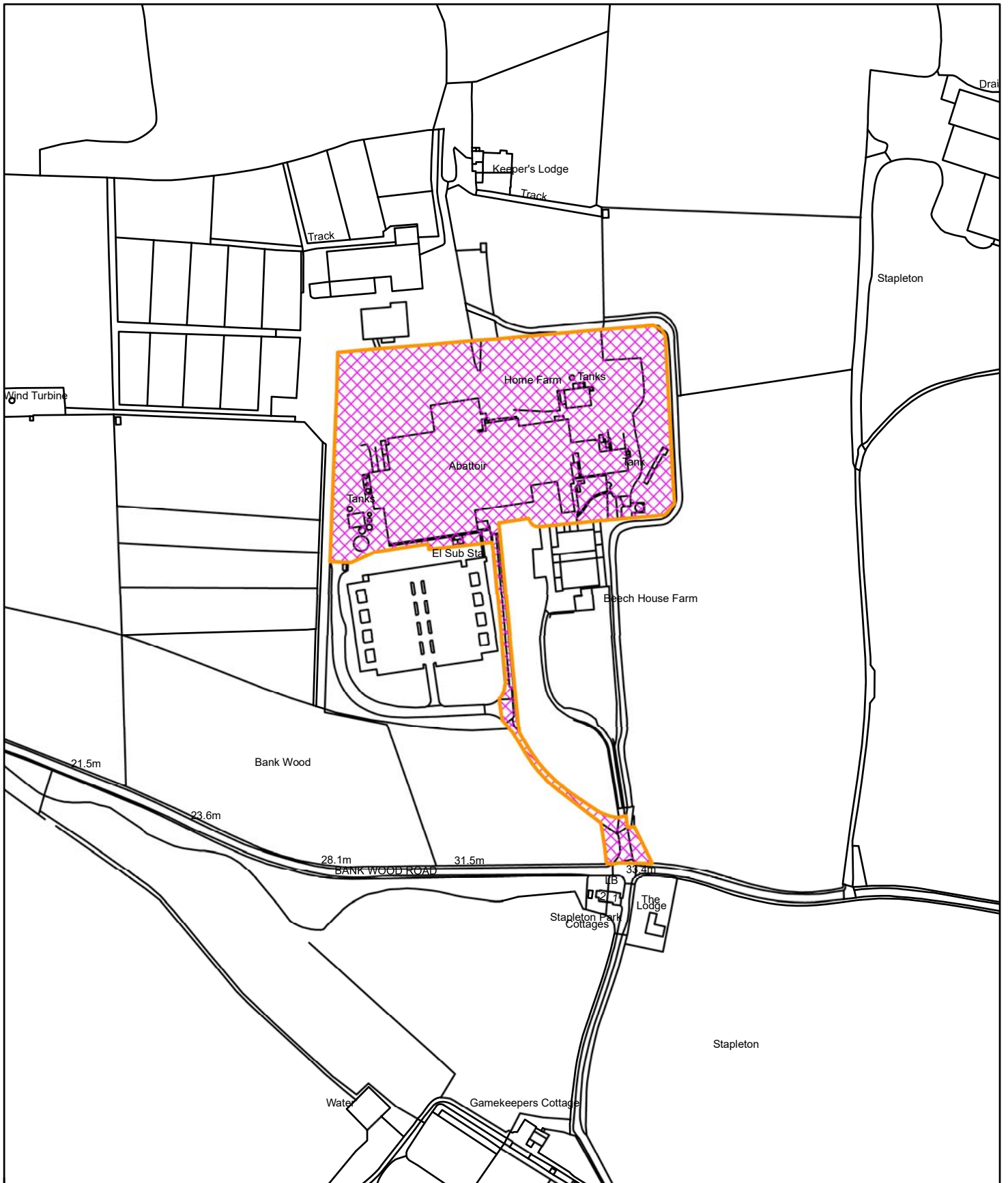
Appendices: None

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Agenda Item 4.2

2021/0655/FULM

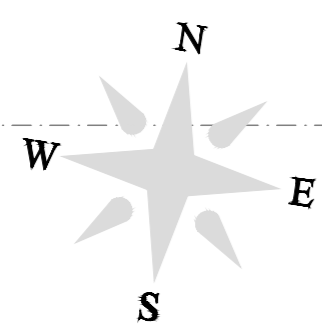
Dovecote Park, Bankwood Road, Stapleton



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Elevation 2

Elevation 3

Elevation 1

Elevation 4

Proposed Site Layout

Scale 1:500

0 5 20m

DP Architectural Services LTD 20 Merfield Ashey Village Chorley Lancashire PR7 1UR m. 07877 595100 t. 01257 671635 e. dparch69@gmail.com	Client Dovecot Park Ltd Dovecot Park Bank Wood Road Stapleton Portlough WFB 3DD	Project Proposed Tray Store	Drawings Site plan as Proposed
	Paper size A1 Date Mar 2021	Job no 2021-19 Scale 1:500	Drawing no P02 Revision .

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Report Reference Number: 2021/0655/FULM

To: Planning Committee
Date: 8th September 2021
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0655/FULM	PARISH:	Stapleton Parish Council
APPLICANT:	Dovecote Park Ltd	VALID DATE:	25th May 2021
		EXPIRY DATE:	24th August 2021
PROPOSAL:	Construction of new tray store building (retrospective)		
LOCATION:	Dovecote Park Bankwood Road Stapleton Pontefract West Yorkshire WF8 3DD		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee because it constitutes inappropriate development in the Green Belt but it is considered that the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 Dovecote Park lies to the north of Bank Wood Road in an open countryside and Green Belt location and consists of a modern industrial sized specialist beef and venison production facility. The facility originated from the farm/abattoir at Beech House Farm and has grown considerably in recent years. The 5.4 hectare site employs a large workforce and consists of large modern industrial steel-clad buildings set in a screened rural landscape.
- 1.2 The topography of the land running from Bankwood Road (the entrance of the complex) to the northern edge of the site at the adjacent property of Home Farm has an undulating character. From the entrance at Bankwood Road the land rises and then dips where the main complex of buildings are located. From the main

complex of buildings the land significantly rises again. The topography of the land running from west to east has an undulating character where the main complex building is located in the hidden dip of the land.

- 1.3 From the south of the site at the entrance the boundary treatment is high natural stone walling with a plantation of large mature deciduous trees which screens the highest part of the existing buildings. Surrounding the main complex of buildings there are high mature evergreen trees.

The Proposal

- 1.4 The application seeks full planning permission for the construction of new tray store building, which has already been constructed and therefore the application is considered retrospective. A number of openings to the building which are shown on the proposed drawings are yet to be inserted but are intended to be should planning permission be granted.
- 1.5 The proposed building lies to the northern elevation of the existing main building and is wholly within the existing curtilage of the site. It measures a maximum of 10.5 metres in width by 21.7 metres in depth and has a mono-pitched roof with a maximum height of 7.4 metres above ground floor level. It covers a floor space of approximately 209 square metres and is constructed from green profiled metal sheeting (walls and roof) to match the existing buildings at the site.
- 1.6 The existing tray store at the site (located in a building to the west of the proposed development) was required to be mostly converted into additional production space during the height of the Covid-19 pandemic, resulting in the need for replacement tray storage space, which needs to be inside a building for hygiene reasons.

Relevant Planning History

- 1.7 The current owners have been operating since November 1997 and have made considerable investment through various planning permissions over recent years. Some applications have had to be referred to the Secretary of State due to their size following the Local Planning Authority consistently regarding very special circumstances being demonstrated. The most significant and recent being:
 - 2019/0995/FULM - Erection of a new beef protein building (7.5 x 18.1m), extension to the existing fat processing plant (3.5m x 5m) and erection gas tank (10.6m x 3.1m) (retrospective). Granted 06 February 2020.
 - 2018/1111/FULM - Proposed construction of an extension to the existing facility to provide a new burger production building. Granted 14 March 2019.
 - 2018/0450/FULM - The proposed erection of a new dry aged chiller and extension to the fat processing room and retrospective extensions to the venison lairage facility. Granted 15 February 2019.
 - 2017/0283/FUL Extensions to the established commercial premises at Dovecote Park to provide a new tray storage facility, venison lairage facility, dray aged chiller and a replacement site office. Granted 22 May 2017.
 - 2010/1301/FUL - Application for extensions to the existing Dovecote Park complex, including a new car park and car park access. Granted 11 April 2011.

1.8 The remaining planning history dating all the way back to 1975 refers to various new buildings, alterations, extensions to buildings, plant infrastructure, advertisements, welfare facilities and car parking all of which is a result of the sites continued growth and expansion.

2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** – No response.

2.2 **Environmental Health** – No comments.

2.3 **NYCC Highways** – No objections.

2.4 **SuDS and Development Control Officer** – No response.

2.5 **Yorkshire Water Services Ltd** – No response.

2.6 **Yorkshire & Humber Drainage Boards** – No response.

2.7 **Contaminated Land Consultant** – No objections subject to a condition about the reporting of an unexpected contamination found when carrying out the proposed development.

2.8 **Health and Safety Executive** – No comments.

2.9 **Neighbour Summary** – The application was advertised by site notice and press notice. No letters of representation have been received as a result of this advertisement of the application.

3 SITE CONSTRAINTS

Constraints

3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.

3.2 The application site is located within a Locally Important Landscape Area.

3.3 The application site is located within Flood Zone 1, which has a low probability of flooding.

4 POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP3 – Green Belt
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - ENV15 – Conservation and Enhancement of Locally Important Landscape Areas
 - EMP9 – Expansion of Existing Employment Uses in the Countryside
 - T1 – Development in Relation to the Highway Network
 - T2 – Access to Roads

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Impact in the Openness of the Green Belt and the Purposes of Including Land Within It
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Determining Whether Very Special Circumstances Exist

The Principle of the Development

5.2 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt.

5.4 Policy SP2(c) of the Core Strategy states *"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances"*.

5.5 Policy SP13 of the Core Strategy states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including (amongst other things) the development of well-designed new buildings. In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

5.6 Likewise the Selby District Local Plan has an overarching employment growth policy - Policy EMP9 'Expansion of Existing Employment Uses in the Countryside'. This policy states *"Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided: 1) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; 2) The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests; 3) The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and 4) Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural*

land and the site would be well related to existing development and well screened and/or landscaped.”

- 5.7 The above policies are overarching considerations which allow for the continued growth of rural enterprises; however the key consideration is the assessment of national Green Belt policy.
- 5.8 Policy SP2A (d) of the Core Strategy states *“In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies”*.
- 5.9 Policy SP3B of the Core Strategy states *“In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted”*.
- 5.10 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows: -
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the presumption against it.
- 5.11 The guidance within the NPPF at paragraph 149 *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”* other than for specified exceptions including [amongst other things]:
- *“c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*; and
 - *“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development”*.
- 5.12 The proposal is for the construction of a tray store building, which measures a maximum of 10.5 metres in width by 21.7 metres in depth and have a mono-pitched roof with a maximum height of 7.4 metres above ground floor level. It covers a floor space of approximately 209 square metres.
- 5.13 In terms of paragraph 149 c), the term ‘disproportionate’ is not defined within either the NPPF or the Development Plan. However, on the basis of planning appeal decisions and case law it has been established extensions exceeding 50% of the volume of the original dwelling, taken either singularly or cumulatively with other extensions, should normally be considered to constitute a disproportionate addition. Notwithstanding this, the 50% volume addition of the original dwelling ‘criterion’ should only be used as a guide and not a definitive rule. It is important that regard is given to cumulative impacts of successive extensions to avoid incremental additions resulting in disproportionate additions over time. In such cases, a particular

extension in itself may appear small, but when considered together with other extensions may be considered to constitute a disproportionate addition.

- 5.14 A number of extensions to the Dovecote Park complex have been granted and implemented in recent years including a particularly large extension granted under planning application reference 2010/1301/FUL. This has been followed by a series of other smaller new buildings and structures as detailed in the planning history section of the report, the most recent being planning application reference 2019/0995/FULM granted on 606 February 2020. The Local Planning Authority's approach has always been that cumulatively these extensions and new buildings would result in disproportionate additions over and above that of the original farm complex, whether new build or extensions, as many of the extensions are extensions to new buildings.
- 5.15 The proposal for the construction of a tray store building which would be an extension to the existing buildings at the Dovecote Park complex, would therefore be considered to result in a disproportionate addition over and above the size of the original building, when taken cumulatively with other extensions, and would be inappropriate development in the Green Belt.
- 5.16 Paragraph 147 of the NPPF states *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* This report will therefore go on to assess whether there is any other harm resulting from the proposals before determining whether very special circumstances exist.
- 5.17 It is noted that the Planning Statement submitted in support of the proposed development takes a different approach to this and regards the proposed development to fall within the exception to inappropriate development set out within paragraph 149 g) – *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development."* Notwithstanding this, the Local Planning Authority disagrees with this approach and has in the past. The Local Planning Authority consistently regard extensions to the Dovecote Park complex to be inappropriate development in the Green Belt. This is because the extent of the extensions and new buildings previously allowed go beyond what would be regarded as limited infill or proportionate extensions and have previously been justified on the basis of very special circumstances. New extensions to these new buildings or any new buildings cannot therefore accord with paragraph 147 of the NPPF. In acknowledgement of the Local Planning Authority's position, the Planning Statement submitted in support of the proposed development sets out a case for very special circumstances, which will be considered later in this report.

Impact in the Openness of the Green Belt and the Purposes of Including Land Within It

- 5.18 Paragraph 137 of the NPPF states *"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are*

their openness and their permanence.” Furthermore, paragraph 138 of the NPPF states “Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

- 5.19 The proposed development is positioned for functionality purposes and is of the same character and form as existing buildings on the site and finished in matching materials. The building does not appear as an isolated addition and relates well to the current large mass of buildings on the site so as not to be highly noticeable. Due to its location within the Dovecote Park complex site boundaries and its relationship with existing buildings, the proposed development is not considered to have a significant impact on the openness of the Green Belt and the purposes of including land within it.
- 5.20 Having regard to the above, the proposal accords with Policy SP3 of the Core Strategy and national policy contained within the NPPF (specifically paragraphs 137 and 138).

Design and Impact on the Character and Appearance of the Area

- 5.21 Saved Policies ENV1 (1) and (4) and EMP9 (2), (3) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraph 130 of the NPPF set out the considerations with regards to design quality and the impact on the character and appearance of the area. Furthermore, saved Policy ENV15 of the Selby District Local Plan sets out considerations with regards to development within Locally Important Landscape Areas and sets out *“Particular attention should be paid to the design, layout, landscaping off development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.”*
- 5.22 As set out in the previous section of this report, the proposed development is positioned for functionality purposes and is of the same character and form as existing buildings on the site and finished in matching materials. The building does not appear as an isolated addition and relates well to the current large mass of buildings on the site so as not to be highly noticeable. Due to its location within the Dovecote Park complex site boundaries and its relationship with existing buildings, the proposed development is not considered to have any adverse impact on the character and appearance of the area, including the Locally Important Landscape Area.
- 5.23 Having regard to the above, the proposal accords with saved Policies ENV1 (1) and (4) and EMP9 (2), (3) and (4) of the Selby District Local Plan, Policy SP19 of the Core Strategy and national planning policy contained within the NPPF (specifically paragraph 130).

Impact on Residential Amenity

- 5.24 Saved Policies ENV1 (1) and EMP9 (1) of the Selby District Local Plan set out the considerations with regards to the impact on residential amenity. Paragraph 130 of the NPPF emphasises that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.

- 5.25 Given the size, siting and design of the proposed development and its relationship (including separation distances) to neighbouring residential properties, it is not considered that the proposal would result in any significant adverse effects of overlooking, overshadowing or oppression so as to adversely affect the residential amenities of the occupiers of any neighbouring residential properties. Furthermore, the Council's Environmental Health Officer has been consulted on the proposals and has advised that given the proposal is for an extension to the existing production facility within the Dovecote Park complex, they consider it would have little impact on the two nearest residential receptors in terms of noise, smells and general disturbance so as to adversely affect the residential amenities of the occupiers of any neighbouring residential properties.
- 5.26 Having regard to the above, the proposal accords with saved Policies ENV1 (1) and EMP9 (1) of the Selby District Local Plan and national planning policy contained within the NPPF (specifically paragraph 130).

Impact on Highway Safety

- 5.27 Saved policies ENV1 (2), EMP9 (1), T1 and T2 of the Selby District Local Plan set out the considerations with regards to the impact on highway safety.
- 5.28 The existing access, turning, parking and maneuvering arrangements at the site would not be altered as part of the proposals. The proposal would have the ability to increase the capacity of the site and could impact on traffic movements, however these are considered to be negligible in the context of the wider site. North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the proposed development.
- 5.29 Having regard to the above, it is considered that the proposals are acceptable in respect of their impact on highway safety in accordance with saved policies ENV1 (2), EMP9 (1), T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 5.30 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and Chapter 14 of the NPPF.
- 5.31 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.32 The local Internal Drainage Board, Yorkshire Water and the Local Lead Flood Authority have been consulted on the proposals; however, no comments have been received.
- 5.33 The submitted Planning Statement details that the existing foul sewer will accommodate foul flows and the surface water generated by the proposal will be discharged into the existing soakaway at the site. The proposed increase in floorspace of approximately 209 square metres will have a negligible impact on the surface water generated on site, since the area where the proposed building is located previously comprised of an impermeable surface.

- 5.34 Having regard to the above, it is considered that the proposals are acceptable in terms of flood risk and drainage in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

Nature Conservation and Protected Species

- 5.35 Saved Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan and Policy SP18 of the Core Strategy set out the considerations with regards to nature conservation and protected species. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017 - the presence of protected species is a material planning consideration.
- 5.36 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 5.37 Having regard to the above, it is considered that the proposal would not harm any acknowledged nature conservation interests or protected species in accordance with saved Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Land Contamination

- 5.38 Saved Policy ENV2 of the Selby District Local Plan and Policy SP19 of the Core Strategy set out the considerations with regards to land contamination.
- 5.39 The proposed development does not consist of a change in the sensitivity on site (with relation to the presence of contamination). Furthermore, it would be unlikely that the proposed development has introduced any new contamination sources or pathways to the site, and so no new pollutant linkages would be created. On this basis, the Council's Contaminated Land Consultant has advised that no further contamination assessment is required. The Council's Contaminated Land Consultant has recommended a condition be attached to any planning permission granted regarding the reporting of any unexpected contamination, however as the proposed development has already been constructed and the application is retrospective, this condition would not be considered reasonable or necessary.
- 5.40 Having regard to the above, the proposal accords with saved Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and national planning policy contained within the NPPF.

Determining Whether Very Special Circumstances Exist

- 5.41 It has been determined earlier in this report that the proposal is inappropriate development in the Green Belt. Paragraph 147 of the NPPF states *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*. Paragraph 148 of the NPPF states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly*

outweighed by other considerations.” No other harm resulting from the proposals has been identified, therefore it need to be determined whether very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of its inappropriateness.

5.42 The applicant has submitted a Planning Statement which sets out a case for very special circumstances as follows:

- The need for the facility in both commercial and economic terms and operational considerations – The applicant’s agent states *“This development will allow Dovecote Park to continue to expand and adapt to changing market conditions and prosper in the short, medium and long term. The nature of the business at Dovecote Park requires the use of pallets and trays within which to move the produce. When not in use the trays are required to be stored within the building, however, due to recent expansions within the business at Dovecote a new location is required for this storage. Consequently, a new tray store building is required. Dovecote Park have considered the quantity of trays which are required to be stored within this area and the proposed development represents the minimum quantum and scale of development that would be required to allow the business to continue operating in a viable and efficient manner.”*
- A lack of alternative viable sites and the scope for disaggregation – The applicant’s agent states *“The consideration of alternative sites has previously been a major consideration for the applicant in resolving the objective of meeting the identified need. The possibility of storing the trays and pallets at an alternate site has been explored by our client. However, the purchase or leasing of another processing site and the additional resources that would be required in terms of the equipment, production staff, quality assurance staff, administration staff and engineers could not be justified for the quantity of produce which will be stored within the new tray store. The setting up of a standalone site would require unrealistic returns on investment since many site functions would need to be duplicated at an alternative location. In addition, there are extra costs for setting up potential sewerage systems, power, boilers, compressed air and other services. Purchase of a new site or leasing would add a prohibitive additional cost compared to the current site that is owned by Dovecote Park. When all these additional costs are analysed, the project is not economically viable. Additionally storing the trays and pallets off site would not be viable either as they are required on such a regular basis that it would be inefficient to keep bringing them back on site so often. The purpose of the proposal is to provide a new facility which is interlinked to the existing facilities on site and will assist in providing a high quality product. This will help the business adapt to the market demands which could not be achieved by splitting the operations across multiple sites. In addition, moving trays to the site from elsewhere would increase the generation of carbon dioxide from additional vehicle movements.”*
- Employment impact – The applicant’s agent states *“The revised NPPF provides that planning decisions should help to create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In addition, it also provides that decisions should enable the sustainable growth of all types of business in rural areas. The protection of existing jobs from potential market down turns as well the creation of an additional job and the benefits that bring to the local economy should carry significant weight in the balance of considerations.”*

- Other benefits associated with the development – The applicant’s agent states *“The isolated location currently occupied by the Dovecote Park complex offers considerable benefits in terms of the potential impacts on amenity or neighbouring commercial interests. It is clear that a significant attribute of the site is its isolated location and the limited impact the extensions would have on the neighbouring amenity and sensitive land uses. In this respect the revised NPPF provides that decisions should recognise that sites to meet local business needs in rural areas may have to be found outside of existing settlements.”*

5.43 Officers have considered the applicant’s case for very special circumstances and note that there is a clear need for the new building in order for the site to continue to operate effectively. It would be inefficient and unreasonable to expect the new building to be located off-site. This weighs heavily in support of the proposals and is considered to be a very special circumstance. Some of the points listed by the applicant are not considered very special circumstances, for instance the ‘employment impact’ and the ‘other benefits associated with the development’; however, the proposals will make the site more effective and firm up its economic resilience, which will maintain the companies’ ability to have a positive impact on local employment.

5.44 Having regard to the above, having assessed the applicant’s case for very special circumstances, it is considered that the harm to the Green Belt by reason of inappropriateness would be clearly outweighed by other considerations.

6 CONCLUSION

6.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application site is also located within the Green Belt. The application seeks full planning permission for the construction of new tray store building, which has already been constructed and therefore the application is considered retrospective.

6.2 The proposed development would be inappropriate development in the Green Belt, as it would result in a disproportionate addition over and above the size of the original building when taken cumulatively with other extensions at the Dovecote Park complex. In terms of its impacts, the proposed development would not have a significant impact on the openness of the Green Belt or the purposes of including land within it; and would not have any adverse impact on the character and appearance of the area, the residential amenity of neighbouring properties, highway safety, flood risk and drainage, nature conservation and protect species or land contamination. No other harm resulting from the proposals has therefore been identified.

6.3 Paragraph 147 of the NPPF states *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 of the NPPF states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”* Having assessed the applicant’s case for very special circumstances, it is considered that the harm to the Green Belt by reason of inappropriateness would be clearly outweighed by other considerations.

- 6.4 The proposal is therefore considered to be acceptable in accordance with Policies SP1, SP2, SP3, SP13, SP15, SP18 and SP19 of the Core Strategy, saved Policies ENV1, ENV2, ENV15, EMP9, T1 and T2 of the Selby District Local Plan and national planning policy contained within the NPPF.
- 6.5 The application will not be required to be referred to the Secretary of State as the floor space created by the development is less than 1000 square metres and the development is not considered to have a significant impact on the openness of the Green Belt.

7 RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- 1 – Site Location Plan
- P01 – Plan as Existing
- P04 – Plan as Existing
- P03 – Elevations as Existing
- P02 – Site Plan as Proposed
- P05 – Plan as Proposed
- P06 – Elevations as Proposed

Reason:
For the avoidance of doubt.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2021/0655/FULM and associated documents.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None

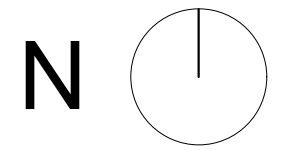
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PROPOSED SITE PLAN

Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works



KEY:

Site Boundary

KEY	
①	Proposed Boundary Hedge
②	Proposed 1.8m high post and rail fence
③	Gardens / Green Areas
④	Permeable Surface / Gravel
⑤	Paved Terrace
	New Planting (refer to Rosetta Landscape Strategy Drawings)

AMENDED DRAWING

revision	date	description
P04	17/05/21	Updates following Landscape Assessment / Survey
P03	24/03/21	Amendments following Planning Comments
P02	09/12/20	Note amended for proposed fence
P01	02/12/20	Drainage Ditch Shown following IDB Comments

Vincent & Brown

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 Sim Balk Lane, Bishopthorpe, York. YO23 2BD
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project
 Land North of Villa Farm
 Appleton Roebuck

drawing
 Proposed Site Plan

scale
 1:500 @ A3



job number	date	status	drawing number	revision
20037	11.09.20	Planning	105	P04

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Report Reference Number: 2020/1115/FUL

To: Planning Committee
Date: 8th September 2021
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1115/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	G Payne	VALID DATE:	15th October 2020
		EXPIRY DATE:	10th December 2020
PROPOSAL:	Erection of a six bedroom detached dwelling with detached garage on land north of Villa Farm/Rosemary Garth		
LOCATION:	Villa Farm Main Street Appleton Roebuck York YO23 7DD		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received, which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is a substantial parcel of land, which amounts to approximately 3943 square metres or 0.3493ha. It is located directly to the rear (north) of residential properties built following a planning approval 2009/0476/FUL and to the east/north east of residential properties located on Orchard Close. The site is located outside the defined development limits of Appleton Roebuck and is therefore located within the open countryside. There are open fields to the north, north east and east of the site.
- 1.2 The application site is generally a flat grassed area, on agricultural land to the rear of private garden area of Rosemary Garth. It was evident from an officer site visit, that the grass was mown and several items of domestic paraphernalia existed

within the site making it appear to be used as a garden land by the residents of Rosemary Garth, without a formal planning permission.

- 1.3 The boundaries of the site currently consist of established mature hedgerows, trees and other vegetation along western, eastern and part of northern boundaries with some timber fencing beyond them along the boundaries with the existing neighbouring residential properties. The boundaries of Rosemary Garth to the south are not defined.

The Proposal

- 1.4 The application is seeking full planning permission for the erection of a six bedroom detached dwelling with detached garage. The scheme has been amended on several occasions to amend the design of the dwelling, drainage details and supporting information and some additional information was submitted such as supporting statement and information related to trees and landscape.

Relevant Planning History

- 1.5 The following historical application is considered to be relevant to the determination of this application.
- CO/1974/31475 (8/79/1/PA) for the erection of a detached house at Orchard Close, Appleton Roebuck was approved in June 1974
 - 2008/1058/CPE (8/79/63B/PA) for a Lawful Development Certificate for an existing use of a garden at Villa Farm, Main Street, Appleton Roebuck was approved in January 2009
 - 2009/0476/FUL (8/79/63C/PA) for the conversion of barn to dwelling, erection of 2No. detached dwellings with associated garages and access at Villa Farm, Main Street, Appleton Roebuck was approved in December 2009
 - 2011/0829/DPC (8/79/63D/PA) for the discharge of conditions 1(time period), 2(materials), 3, 4 & 5(access) and 6(bats) of approval 2009/0476/FUL (8/79/63C/PA) for the conversion of barn to dwelling, erection of 2No. detached dwellings with associated garages and access at Villa Farm, Main Street, Appleton Roebuck approved in September 2011
 - 2016/0201/OUT (8/79/238/PA) outline application for development of 9 No dwellings with associated garaging and private access road (all other matters reserved) at Rosemary Garth, Villa Farm Way, Appleton Roebuck was refused in February 2017
 - 2017/0753/OUT (8/79/1C/PA) outline application with all matters reserved for the demolition of an existing dwelling and the erection of up to eight dwellings at Field House, 15 Orchard Close, Appleton Roebuck was refused in October 2018
 - 2020/0174/FUL for the erection of new detached bungalow and associated driveway to the rear of 15 Orchard Close Appleton Roebuck, and the creation of new access and turning area to serve 15 Orchard Close Appleton Roebuck. at Field House, 15 Orchard Close, Appleton Roebuck was refused in October 2020

2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** - The Parish Council objected to the application due to the following reasons:

1. The development is outside the village envelope.
2. It is in open countryside, which will lead to further applications.
3. It would create increased traffic volumes and disturbance for the properties sharing the drive.
4. The visibility on entering Main Street is poor and not adequate for the increased volume of traffic.
5. There are no reports on percolation to support the proposed surface water drainage.
6. The site was put forward for the new Selby Plan and was rejected.

2.2 **NYCC Highways** – Raised no objections subject to condition relating to submission of construction phase management plan for small sites which must include, but not be limited to arrangements for the parking of contractors' site operatives and visitor's vehicles, areas for storage of plant and materials used in constructing the development clear of the highway in respect of each phase of the works.

2.3 **Ainsty (2008) Internal Drainage Board** – First response dated 10 November 2020: The Board notes that this is an application for the erection of a six bedroom detached dwelling with detached garage. The applicant's agent has previously been in touch with the Board as there appears to be an ordinary watercourse within the site, close to the proposed house. This watercourse is not maintained by the Board and remains with the riparian owner to maintain however, the Board's consent is required for any works to the watercourse or to discharge into the same. The Board notes that the location of the ordinary watercourse has not been noted on the proposed plans and requested that this is added to the plan.

In terms of foul sewage, the Board notes that the applicant is proposing to connect into the mains foul sewer and if Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

The Board currently objects to the proposal until further information about the location of the ordinary watercourse to the proposed house can be provided. Once this has been suitably dealt with, the Board will suggest an appropriate drainage planning condition to put in place with any approval granted.

Second and third responses dated 14th December 2020 and 10th June 2021 respectively: following submission of additional information the board did not raise any objections subject to condition requiring drainage works to be agreed prior to development and subject to informatives advising of riparian maintenance responsibility and consent for discharge into watercourse.

2.4 **Yorkshire Water Services Ltd** – No response.

2.5 **Natural England** - No comments.

2.6 **North Yorkshire Bat Group** – No response received.

2.7 **Yorkshire Wildlife Trust** – No response received.

2.8 **County Ecologist** – First response dated 4th November 2020: No ecological information has been submitted with the application - it is therefore difficult to provide comments. Having reviewed the location of the development confirmed that there are no designated sites within or in the immediate vicinity of the site. The site appears to be made up of domestic garden comprising amenity grassland, trees and shrubs. There do not appear to be any buildings on site that would require demolition. Whilst no ponds are shown on the OS map it cannot be concluded from a desk-based perspective whether any ponds are present that could be impacted.

Overall, the ecological impact is considered low, however this needs to be confirmed to the planning authority. In particular, more detail is needed on any trees and shrubs to be lost to the development as these have the potential to support nesting birds that are protected by law. Requested for information on any other habitats on site such as ponds. As the site has mature planting around the boundaries, it may be of value to foraging and commuting bats. Requested confirmation that this boundary vegetation will remain in place and a lighting condition will be needed to ensure that there is no light spill onto these corridors. Once confirmation of the impact upon trees, scrub, hedgerows and ponds has been provided wishes to be re-consulted to provide further comments.

Second response dated 4th February 2021: NYCC Ecologist is satisfied that the existing habitats on site are being retained and would expect the planning authority to use a suitably worded condition to ensure protection of remaining trees and hedgerows in accordance with the British Standard for root protection zones.

NYCC Ecologist does not consider that the habitats present on site have the potential to support roosting bats, bats roosting in the local area may make use of features in the existing garden for foraging and/or commuting but it is not considered that the proposal would significantly impact on this. A sensitive lighting strategy is encouraged given the location of the development on the edge of the countryside.

There is no evidence of any ponds on site or immediately adjacent to the site and as such NYCC Ecologist does not consider that amphibians are a constraint to development.

Where vegetation including trees, hedges, shrubs or other mature planting needs to be removed or cut back in order to facilitate the development, it is recommended that this is undertaken outside of the main bird breeding season which is generally acknowledged to be 1st March to 31st August inclusive which could be covered by an informative.

The proposed length of hedgerow will provide the greatest benefit to wildlife if it incorporates native species and is managed in such a way to provide food and shelter for birds and small mammals. If continuous fences are proposed it is beneficial to hedgehogs to leave small gaps at the base to ensure passage for this declining species.

2.9 **Contaminated Land Consultant** – The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended that the planning condition related to unexpected contamination is attached to any planning approval.

2.10 **Conservation Officer** – *First response dated 3 February 2021:* Appleton Roebuck is a linear village but with later 20th century housing schemes having created backland development surrounding the historic core. As well as important open spaces within the conservation area boundary (i.e. the Greens), there are also areas outside of the boundary that comprise fields (sometimes former medieval strip fields) that form an important part of its rural setting. The presence of historic field boundaries is important in evidencing the relationship of such fields with the village.

Typical built form is characterised by detached or semi-detached buildings with one or two terraces.

Also, converted farm buildings. Typical buildings materials are red -brown brick, clay pan tiles and natural slate (later 20th century buildings tend to be roofed in cement tiles). A few buildings are constructed from limestone.

The proposed dwelling is located to the north of the main street, behind existing backland development.

- The site appears to comprise a remaining section of strip field which currently separates two 20th century housing developments. Historic OS maps indicate that this is the case and that the 'Villa Farm' was the associated small holding (now converted).

- The proposal adds further to the backland development, being set well back behind several existing dwellings. This further compounds the erosion of the relationship between the historic farmstead and the strip field.

- The proposal site boundary extends well beyond the existing edge of development (though it is noted that the dwelling itself would sit just within). The location of the dwelling appears to be on the historic field boundary and appears to involve the removal of a section of that boundary / alters the remaining evidence of that strip field in this location.

- The east boundary is identified as having a 1.8m post and rail fence – if replacing a hedgerow field boundary, this would result in a harmful impact. Post and rail fences are also typically of a lower height.

- Although not altogether successful, the existing dwelling to the south was designed to reflect a traditional farm building, no doubt having reference to the former history of Villa Farm to its south. The proposal dwelling is wholly domestic in form, with a twin gabled frontage and being greater in footprint than the dwelling to the south. Stone/brick is proposed for the lower half of the walls – otherwise, it is difficult to see how the building could be viewed as being of locally distinctive design (for example, with timber cladding making up the remainder of the exterior walls).

- It is unclear to what extent the building may be visible in views of the settlement, but it is possible that the dwelling would be visible from viewpoints such as from Malt Kiln Lane. The scale and design of the dwelling may increase the extent to which the dwelling is apparent in such views. It is possible that a glimpse of the dwelling would be possible from the main street looking north to the site. If so, this would add to the harmful impact.

It appears that there would be a harmful impact on the historic environment resulting from the disruption to the historic strip field and its boundary, this forming part of the setting of the conservation area and having a direct relationship to the historic core of the village; there would therefore be a consequential harmful impact (less than substantial) on the setting of the conservation area (setting being a component of the overall significance of the designated heritage asset).

Second response dated 22 June 2021: Following a review of the amended plans, the proposed development does not appear to have significantly changed in size and it has not moved position.

From the conservation and design perspective, the development still adds to the non-traditional backland developments that are eroding the historic strip field patterns and their relationship with the historic farmsteads fronting onto the Main Street. The proposed development is overly large, it has a much larger footprint in comparison to the prevailing building size in Appleton Roebuck and within the conservation area. The building's design is not locally distinctive, it does not reflect the local vernacular found within the conservation area and due to the size and bulk of the structure it would be at odds with the surrounding development. It would also be visible from points within Appleton Roebuck Conservation Area and would not blend in with the existing settlement.

There is still considered to be a harmful impact upon the significance of the designated heritage asset of the Appleton Roebuck Conservation Area. The harm would be less than substantial, however there has been no justification for the development of this size and design and there would be no public benefit to outweigh the harm caused. The development is contrary to NPPF policy as well as Local Plan policy ENV25.

2.11 Landscape Consultant – First response dated 26 February 2021: Object to the application because the development is likely to adversely affect local landscape character and setting of Appleton Roebuck due to the loss of existing historical field pattern and loss of mature boundary hedgerows and trees.

The proposed site access is also likely to adversely affect the residential amenity of the existing dwelling at Rosemary Garth due to proximity of the access.

The applicant has not provided an accurate site plan, or topographical survey to show existing site features and field pattern. There is no arboricultural survey or assessment to explain the likely effect on existing trees to be removed or retained.

The Applicant has not provided a landscape and visual assessment to sufficiently explain likely effects on the local character and setting.

The proposed development is in open countryside outside development limits within an area valued for its historical strip field pattern along the northern fringe of Appleton Roebuck village.

The proposed site access is from Main Street via the existing driveway to Rosemary Garth, adjoining the site elevation of the existing dwelling and adjoining the boundary and garden of Rosemary Garth.

The landscape area of the site is identified as having Moderate landscape sensitivity within the Selby District Landscape Sensitivity Study, LUC, 2019 (land parcel AR1) due to its historic landscape character, degree of vegetation, undeveloped setting and rural quality.

The strip fields around the area of the site is also described within the North Yorkshire and Lower Tees Valley Historic Landscape Characterisation Protect (HLC):

“This is a small area of strip fields which consist of small irregular fields defined by s curved overgrown hedgerow boundaries. This area has significant legibility with only a small amount of boundary loss.”

The site has existing mature boundary trees and hedgerows which will be removed as part of the development. This is not shown or explained within the proposed scheme plans.

The proposed scheme cuts across and will remove the existing historical field layout. In turn this will also remove the visible vegetated edge to the northern part of the settlement, adversely affecting local character and setting.

The landscape in the area of the site has Moderate landscape sensitivity due to the historic landscape character, degree of vegetation, undeveloped setting and rural quality.

The development is likely to adversely affect local landscape character, setting and amenity of Appleton Roebuck due to the loss of existing historical field pattern and loss of mature boundary hedgerows and trees.

The proposed site access is likely to adversely affect the residential amenity of the existing dwelling at Rosemary Garth due to proximity of the access.

Development in this area should be resisted to protect the integrity of the historic strip field pattern, character and setting of the village, and amenity of existing dwellings.

Second response dated 16 June 2021: The Applicant has submitted additional information, including a tree survey, revised scheme plans, landscape strategy, visual impact assessment, clarification of existing layout.

The submitted information does not remove my concerns and wish to maintain a Landscape objection, the reasons are as the previous Landscape consultation response 26 February 2021.

- 2.12 **Neighbour Summary** - All immediate neighbours were informed by letter and a site notice was erected on the 20th November 2020. 14 letters of support and 1 letter of objection have been received as a result of this advertisement. Letters of support were predominantly submitted by the residents of Appleton Roebuck with one letter from Acaster Selby, one from York and one letter submitted by the person whose family lives on Orchard Close in Appleton Roebuck.

Summary of the letters of support:

1. It is a planned self-build, similar in size to the house immediately south of it (Rosemary Garth) and the land owner has had extensive input into the design. This is supported by the Self Build Act 2015.
2. The location of the plan, although within a responsible location to surrounding houses, cannot be seen from any main road in or around the village and will have no impact on the open countryside.
3. The proposed dwelling is within the line of houses at the end of Orchard Close going West out of the village to Ainsty Garth, so again is not encroaching on any open countryside, but naturally infilling a gap.
4. As it is a single self-build application, increase in traffic will be light, there is a service road already in place, so disruption to surrounding houses will be light / non-existent. Also, this will be the 5th house on the service road, which has historically been seen as acceptable.
5. The village of Appleton Roebuck and surrounding area is in great need of further development and supporters prefer self-builds or small developments to be approved on a regular basis rather than one large development at some point in the future.
6. The plans look great and is in a position whereby it would not cause any issues with neighbours and would enhance the existing cul-de-sac.
7. Suggestions that it will negatively increase the volume of traffic onto Main Street also ignores that numerous other developments throughout the village have more than five dwellings per cul de sac.

Summary of objections:

1. Supporting information is inadequate for local authority to arrive at a robust recommendation.
2. No area with blue line that identifies the applicant's ownership in the surrounding area.
3. There was no case or evidence provided with regard either the contribution that it may be able to make to the vitality of the rural community and associated policies of the Core Strategy and no case provided with regard to material considerations that may outweigh the adopted development plan.
4. Development of a new dwelling on a greenfield site which fails to meet criterion of Policy SP4.

5. Design – large contemporary dwelling in the open countryside with vast areas of large panel glazing, horizontal timber cladding, grey render and various incongruous external features. There is nothing particularly innovative, outstanding or unique that sets the design apart from other large single domestic proposals in the area. the excessive ridge height would make the proposal one of the tallest buildings in Appleton Roebuck and out of keeping with the surroundings.
6. Dwelling would be visible within the local and wider area, particularly from public path on Malt Kiln Lane which is an important route for local walkers.
7. The proposed development would not reflect the character, density and form of the local area, and is an inappropriate form of development conflicting with policies SP2 and SP4 of the Core Strategy.
8. Noise and vibration impact on future occupants of Villa Farm caused by coming and goings of vehicles, pedestrians and servicing associated with the proposed dwelling. The existing dwelling would also be subject to direct light pollution from the headlights of vehicles accessing the proposed dwelling at night-time. As such, the proposal would result in unacceptable impact upon amenity of the current and future residents of the retained building on the site and would therefore be in conflict with policy ENV1 of the Selby District Local Plan.
9. The northern aspect to the Conservation Area is notable for its relative openness and absence of development. The proposal has the potential to affect views into and out of the Conservation Area by virtue of its incongruous design and appearance, and the position of the proposal outside the northern boundary. There is no justification of public benefit identified by the applicant to outweigh this harm and consequently the proposal fails to meet the statutory requirement to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas and fails to meet the content of policy SP18 of the Core Strategy.
10. There was no assessment of the ecological impact of the proposal submitted and until relevant surveys are provided, the determining authority is unable to reach a decision with regard the proposals. The proposal is therefore contrary to the NPPF and the provisions of Wildlife and Countryside Act.

There were no additional comments received as a result of re-consultations following submission of an amended scheme and additional information.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. Although the site does not fall within the Appleton Roebuck Conservation Area, it is located within 100 metres Conservation Area buffer zone. The site is situated within Flood Zone 1.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not

change the statutory status of the development plan as the starting point for decision making.

- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP9 – Affordable Housing
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - ENV25 – Control of Development in Conservation Areas
 - T1 – Development in Relation to the Highway
 - T2 – Access to Roads

4.8 **Appleton Roebuck and Acaster Selby Neighbourhood Development Plan (ARAS NDP)**

The relevant ARAS NDP policies are:

- EHL2 – Conserving, restoring and enhancing biodiversity
- EHL4 – Historic Rural Environment
- DBE2 – Respecting traditional building design and scale
- DBE3 – Green Infrastructure
- DBE4 – Drainage and Flood Prevention
- H1 – New Housing development design and scale
- H2 – Housing Mix

4.9 **Other Policies and Guidance**

Appleton Roebuck Village Design Statement, February 2012
National Design Guide, January 2021

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area, Heritage Assets and Landscape
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change
- Nature Conservation and Protected Species
- Contamination Issues
- Affordable Housing
- Other Issues

The Principle of the Development

5.2 The application site is located outside the defined development limits of Appleton Roebuck and is therefore located in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1 and SP2 of the Core Strategy, Policy ENV1 of the Selby District Local Plan and advice contained within the NPPF.

5.3 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.4 Policy SP2A (c) of the Selby District Core Strategy provides that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or

maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need, or special circumstances.

- 5.5 Whilst CS Policy SP2 states development should be in compliance with CS Policy SP4, this policy relates to residential development within development limits and is not relevant to this application.
- 5.6 Additional Information document received on 6th January 2021 and Supporting Planning Statement dated 10th February 2021 states that the proposed application is for a self-build plot providing a family home for the applicant who currently lives at Rosemary Garth in Appleton Roebuck and that the intended builder has a history of employing people from Appleton Roebuck. They also state that the applicant and builder are committed to supporting local economy by using local companies/tradesman and sourcing materials locally. Although this information is noted, it is considered that the economic benefits to the local economy arising from a single dwelling would be limited and there is nothing in the proposal to show that it would enhance or maintain vitality of rural community.
- 5.7 The above documents refer to the development recently approved outside the development limits of Thorganby and Skipwith by the Committee. However, the proposals are not comparable with the above cases and each case is assessed on its own merits.
- 5.8 The applicant also argues that a review of current development limits has not been undertaken in all settlements, which is yet to be fulfilled by the Council, and as such they should be considered out of date. However, the development limits as set out in the Selby District Local Plan 2005 were carried over in the Core Strategy and are saved policies and have been supported in recent appeal decisions.
- 5.9 The new local plan is also referred to in the submitted documents. However, this document is at an early stage and can only be given very limited weight.
- 5.10 The proposal is for a new dwelling outside the defined development limits of Appleton Roebuck and is therefore within the open countryside. Policy SP2A (c) only allows limited types of development in the open countryside and the proposed erection of a new dwelling does not fall within any of the exceptions outlined within the above policy. Furthermore, the economic benefits to the local economy arising from a single dwelling would be limited, there is nothing in the proposal to show that it would enhance or maintain vitality of rural community, the proposal is not for rural affordable housing and there are no special circumstances which could be afforded a significant weight. As such, it is considered that the proposal is therefore contrary to Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.

Design and Impact on the Character and Appearance of the Area, Heritage Assets and Landscape

- 5.11 The application site is located in the open countryside and within the 100 meters buffer of Appleton Roebuck Conservation Area. Relevant policies in respect to the impact of development on character and appearance of the area, historic environment and impact on the quality of a landscape are Policies ENV1 and ENV25 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARASNDP and advice contained within the Appleton Roebuck Village Design Statement and the NPPF.

- 5.12 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.13 Policy SP19 requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area’s identity and heritage in terms of scale, density and layout.
- 5.14 ARAS NDP Policies DBE2, DBE3, ELH4 and H1 also require consideration of the impact of schemes on the character of the settlement and the relationship to the surrounding area.
- 5.15 NPPF makes it clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.
- 5.16 In terms of the Appleton Roebuck Village Design Statement this considers that “Overall, Appleton Roebuck is a linear settlement, made up of individual buildings that follow the main road, set in large plots” it is considered that newer developments have not followed this layout which defined the historic character of Main Street and there are several cul-de-sac developments which spur from the main road.
- 5.17 The scheme as originally submitted, was for a 6 bedroom detached dwelling with accommodation in the loft space. However, following the amendments, the number of bedrooms was reduced to 5 and accommodation in the loft space was removed. The proposal is therefore for a two-storey 5 bedroom detached dwelling, with a detached double garage with a home office in the loft space to the front. The proposed dwelling would have a hipped roof and would have two double storey offshoots with double pitched roofs and a single storey element with a flat roof to the front, and the garage would have a double pitched roof. The proposed dwelling would have a footprint of approximately 18.7 metres by 12.7 metres and would have a height to eaves of approximately 5.4 and a height to ridge of approximately 8.8 metres. The proposed single storey element would add to a footprint of the dwelling and would measure approximately 8 metres by 8 metres with a height of approximately 3 metres. The proposed garage would have a footprint of approximately 11.7 metres by 7.8 metres, would have a height to eaves of approximately 3.3 metres and a height to ridge of approximately 6.3 metres. The scheme proposes to utilise the existing access to Rosemary Garth, which is located at the end of a cul-de-sac.
- 5.18 There are residential properties to the west of the site and to the south east of it and there are open fields to the north, north east and east of the site. To the south, the site would border with the private rear garden area of Rosemary Garth and the

existing access running along the western elevation of this residential property and along the whole length of its private rear garden area would be utilised for the proposed development.

Design and Layout

- 5.19 The residential properties to the south of the site fall within the Appleton Roebuck Conservation Area and were approved as part of the scheme 2009/0476/FUL. Those dwellings were designed to be in-keeping with the style of the converted barn and Villa Farm and are of a simple form with the design, materials and detailing respecting the character and appearance of the Conservation Area. The other residential properties within the vicinity of the site are properties located on Orchard Close to the west of the site, which falls fully outside the Conservation Area, and properties located on West End Avenue to the south east which falls partially within and partially outside the Conservation Area.
- 5.20 Properties located on Orchard Close consist of predominantly detached bungalows, dormer bungalows and two-storey dwellings with a large rear amenity space built of variety of materials and there is no defining character in terms of elevational design at this location. Properties on West End Avenue are predominantly semi-detached two-storey properties finished in predominantly red brick with pantile and slate roof tiles.
- 5.21 The proposed dwelling would be located at the end of Villa Farm development (2009/0476/FUL) and would be of a complex design with gable end features and a flat roof feature to the front which is not characteristic to the surrounding area. In addition to the above, the proposed dwelling would be of a large size and scale and would have a substantial footprint, which is significantly larger than that of any of the nearby detached properties and combined with the complex design would therefore appear out of context, particularly due to its location beyond the edge of the settlement. Furthermore, it is considered that the design of the building is not locally distinctive, does not reflect the local vernacular found within the Conservation Area and would be at odds with the surrounding area and surrounding open countryside due to its size, scale, massing and design of the scheme and layout of the site.
- 5.22 The proposed materials are a combination of brick and horizontal timber cladding for the walls with grey slate roof tiles. The doors and windows are dark metal, black rainwater goods and exposed rafters at eaves for the dwelling, and a combination of horizontal timber cladding and grey render for the walls of the single storey element to the front. The walls of the proposed detached garage would be built of stone/brick and the roof would be grey slate tiles with dark metal back door and timber garage door. Although the variety of external materials on properties to the west is noted, the proposed dwelling would mostly be viewed within the context of Villa Farm development and properties located on West End Avenue, which have less variety of elevational treatments and the combination of the proposed materials is therefore considered to exacerbate the complexity of the design of the proposed dwelling.

Impact on Landscape

- 5.23 The Landscape Officer was consulted on the proposal who advised that the applicant has not provided a landscape and visual assessment to sufficiently explain likely effects on the local character and setting. The application also did not

contain an accurate site plan, or topographical survey, to show existing site features and field pattern, or arboricultural survey or assessment to explain the likely effect on existing trees to be removed or retained. Notwithstanding this, the Landscape Officer outlined that the landscape area of the site is identified as having Moderate landscape sensitivity within the Selby District Landscape Sensitivity Study, LUC, 2019 (land parcel AR1) due to its historic landscape character, degree of vegetation, undeveloped setting and rural quality and that the strip fields around the area of the site is also described within the North Yorkshire and Lower Tees Valley Historic Landscape Characterisation Protect (HLC): *“This is a small area of strip fields which consist of small irregular fields defined by s curved overgrown hedgerow boundaries. This area has significant legibility with only a small amount of boundary loss.”* He therefore objected to the proposals concluding that the proposed scheme cuts across and would remove the existing historical field layout, which would also remove the visible vegetated edge to the northern part of the settlement adversely affecting local character and setting, setting and amenity of Appleton Roebuck due to the loss of existing historical field pattern and loss of mature boundary hedgerows and trees. He also advised that the development in this area should be resisted to protect the integrity of the historic strip field pattern, character and setting of the village, and amenity of existing dwellings.

- 5.24 Following the above comments, the applicant submitted an amended scheme and additional information, including a tree survey, revised scheme plans, landscape strategy, visual impact assessment and clarification on existing layout. The submitted Landscape Statement prepared by Rosetta Landscape Design, includes a visual impact assessment where it is concluded that there are no public viewpoints that would be adversely affected by the erection of a new dwelling on this site due to the presence of extensive vegetation along and beyond the site perimeter.
- 5.25 The Landscape Officer was re-consulted as a result of this submission who advised that the submitted information does not remove concerns raised in the response dated 26th February 2021 and that the objections related to impacts on landscape are maintained.
- 5.26 Therefore having reviewed the submitted information, the comments made by the landscape officer and having had regard to the size, scale, siting, design, layout and location of the proposed development, it is considered that the landscape to the north of the village provides an undeveloped setting to residential properties at the northern extent of Appleton Roebuck. This would be eroded and the existing historical field pattern would be lost as a result of the proposal. This would therefore result in wider impacts arising from the development which will impact on the views, landscape and the character setting of the village through it being an isolated extension into open countryside within a historic landscape setting and the proposed scheme is therefore considered to cause a harmful impact on the rural and historic landscape at this location. This is contrary to Selby District Local Plan policy ENV1 (1) and (4), Policy SP19 of the Core Strategy and Appleton Roebuck and Acaster Selby Neighbourhood Development Plan policy ELH4.

Impact on Heritage Assets

- 5.27 The application site is not located within the Appleton Roebuck Conservation Area but is located within its 100 metres buffer. As such, Council’s Conservation Officer has been consulted on both original and amended schemes. In the latest response on the revised scheme, the Conservation Officer outlined that the proposed

development would add to the non-traditional backland developments that are eroding the historic strip field patterns and their relationship with the historic farmsteads fronting onto the Main Street. The Conservation officer also advised that the amended scheme does not reflect the local vernacular found within the conservation area and due to the size and bulk of the structure it would be at odds with the surrounding development. The proposal would also be visible from points within Appleton Roebuck Conservation Area and would not blend in with the existing settlement. The Conservation Officer therefore concluded that the proposed development would cause a less than substantial harm upon the significance of the designated heritage asset of the Appleton Roebuck Conservation Area.

- 5.28 Having considered above response and the size, scale, siting and design of the proposal and location of the site in relation to Conservation Area, it is therefore considered that the proposal will cause less than substantial harm to the setting of Appleton Roebuck Conservation Area. Any such harm should be weighed against the public benefits of the proposal.
- 5.29 The applicant argues in the Supporting Planning Statement dated 10th February 2021 that the proposal seeks to provide a good standard of amenity and garden areas, with sufficient off-street parking provided through existing private access road. It is also argued in this Statement that the design has been developed so that large areas of contemporary glazing are orientated to promote views to the north of the dwelling of open garden and farmland away from any existing adjacent houses, providing a more formal and traditional entrance/frontage to the south elevation with smaller traditional window openings. It also outlines that all new build houses cause harm to the character and appearance of the area they are situated in and that a judgement needs to be made as to whether the harm is outweighed by the benefit of what is proposed on the site. The above and the information within the submission is noted, however, there was no robust case for public benefit provided with the application.
- 5.30 Local Development Plan policies emphasise an achievement of good quality of development which would not have an adverse effect upon features, such as Appleton Roebuck Conservation Area, important to the character of the area and Policy SP18 emphasises the importance of safeguarding, and where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Furthermore, Policy SP19 of the Core Strategy, ARAS NPD policies and the advice contained within the NPPF emphasise the importance of good design. In this respect it is anticipated that the proposal should respect the local character, identity and context of its surroundings. Therefore, given all of the above, it is considered that the proposal fails to achieve this and would result in an incongruous extension of an urban character into the rural landscape, which currently forms a northern boundary to the Appleton Roebuck Conservation Area thus causing less than substantial harm to its setting and there was no robust evidence for public benefit provided with the application. As such, the proposal is therefore contrary to Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.31 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) and ENV2 of the Selby District Local Plan and Policy H1 of

the ARAS NDP. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.

- 5.32 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.
- 5.33 Given the separation distance from the nearest residential properties, and due to the size, scale, layout and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of any of the neighbouring properties, and it is not considered that any such impacts would be caused to amenities of the occupiers of the proposed new dwelling.
- 5.34 Concerns related to impacts on the amenities of existing occupiers due to the vehicle movements associated with the proposal are noted. The proposed new dwelling is a substantial residential property, which would be accessed via a private track running along the western elevation of Rosemary Garth and would run along the whole length of the private rear garden area of this property, which would be separated from this access road by 1.8 metre high post and rail fence. As such, it is therefore considered that the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth.
- 5.35 Having had regard to the above, it is therefore considered that although no detrimental impacts of overlooking, overshadowing or overbearing would be caused to any of the neighbouring properties, the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth. The proposal therefore fails to accord with policies ENV1(1) and ENV2 of the Selby District Local Plan, Policy H1 of the ARAS NDP and the NPPF.

Highway Issues

- 5.36 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan, requirement (c) set out in Policy SP19 of the Core Strategy and Policy H1 of the ARAS NDP. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.37 The proposal is for a 6-bedroom dwelling in the rural area and NYCC Parking standards require 3 parking spaces. The proposal includes a double garage of a sufficient size to accommodate 2 parking spaces and a substantial hardstanding area for additional parking and turning. NYCC Highways have been consulted and raised no objections to scheme but recommended a condition requiring submitting a 'Construction Phase Management Plan' for small sites. As such and given the

location of the site at the end of private narrow access road, the recommended condition is considered reasonable.

- 5.38 Taking into consideration all of the above and the size, scale and nature of the proposed development and the location of the site, the scheme is considered acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy, and the NPPF subject to above condition.

Flood Risk, Drainage and Climate Change

- 5.39 The application is located in Flood Zone 1, which is at low probability of flooding and as such and given the size of the site and that there was no evidence found that the site is identified as having any issues listed in footnote 55 of the NPPF, a site-specific flood risk assessment is not required in this instance.
- 5.40 In terms of drainage, the application form states that surface water would be disposed of via soakaway and foul drainage would be disposed of via mains sewer. Yorkshire Water and Ainsty IDB have been consulted on this application. Ainsty IDB have not raised any objections to the proposed method of foul disposal subject to Yorkshire Water being content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow. Yorkshire Water provided no comments and as such, it is therefore assumed that they have no objections to the proposed foul water disposal arrangements.
- 5.41 In terms of surface water drainage, Ainsty IDB objected to the proposal as originally submitted as there was no sufficient information provide about the location of the ordinary watercourse to the proposed house. Following submission of additional information, particularly drawing No 106 P03, the Board was re-consulted and raised no objections subject to a condition requiring drainage works to be agreed which is considered reasonable and appropriate given the location of the site and size and scale of the proposed development.
- 5.42 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.43 As such, notwithstanding the fact that the proposal is unacceptable in other respects, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change and is in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF subject to the aforementioned condition.

Nature Conservation

- 5.44 Relevant policies in respect to nature conservation interests include Policy ENV1 (5) of the Selby District Local Plan, and Policy SP18 of the Core Strategy.

Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

- 5.45 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.46 NYCC Ecologist was consulted on the application as originally submitted and requested additional information on trees, scrub, hedgerows and ponds. Following submission of additional information NYCC Ecologist was re-consulted who advised that it is not considered that the habitats present on site have the potential to support roosting bats, that there is no evidence of any ponds on site or immediately adjacent to it. NYCC Ecologist also advised that they are satisfied that the existing habitats on site are being retained and would expect the planning authority to use a suitably worded condition to ensure protection of remaining trees and hedgerows in accordance with the British Standard for root protection zones.
- 5.47 Although objections related to lack of ecological surveys are noted, the NYCC Ecologist was consulted who raised no objections to the proposals on the basis of additional information submitted following receipt of objection letter.
- 5.48 As such, notwithstanding the fact that the proposal is unacceptable in other respects, it is therefore considered that the proposed scheme would not have adverse effect upon wildlife habitat and as such it is considered that the proposal would be in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF subject to above condition.

Contamination Issues

- 5.49 Policy ENV2 (A) states that proposals for development which would give rise to, or would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme and such measures should be carried out before the use of the site commences.
- 5.50 The Contaminated Land Consultant was consulted who advised that the Screening Assessment Form shows that the site is currently used as a domestic garden, and prior to this was agricultural land. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. The Contaminated Land Consultant therefore concludes that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, recommended to attach a planning condition related to unexpected contamination. Recommended condition is considered reasonable and appropriate given that the proposed use is residential which would be vulnerable to the presence of contamination
- 5.51 As such, notwithstanding the fact that the proposal is unacceptable in other respects, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby

District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF subject to aforementioned condition.

Affordable Housing

- 5.52 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 64: *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*.
- 5.53 Major development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The application is for the erection of one dwelling and as such in the light of the West Berkshire Decision and paragraph 64 of the NPPF, it is not considered that affordable housing contributions as required by Policy SP9 C can be sought on an application for a single dwelling.

Other Issues

- 5.54 Reference within the objector’s letter to Policy SP4 is noted. However, this policy is not applicable in this instance due to the location of the site outside development limits of Appleton Roebuck.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the erection of a new dwelling with a detached garage.
- 6.2 The proposal is for a new dwelling outside the defined development limits of Appleton Roebuck and is therefore within the open countryside and the proposed erection of a new dwelling does not fall within any of the exceptions outlined within the Policy SP2 of the Core Strategy. Furthermore, the economic benefits to the local economy arising from a single dwelling would be limited, there is nothing in the proposal to show that it would enhance or maintain vitality of rural community, the proposal is not for rural affordable housing and there are no special circumstances which could be afforded a significant weight. As such, it is considered that the proposal is therefore contrary to Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.
- 6.3 The proposed dwelling would be of a large size and scale and would have a substantial footprint which is significantly larger than that of any of the nearby detached properties and combined with the complex design would therefore appear out of context, particularly due to its location beyond the edge of the settlement. The design of the building is not locally distinctive, does not reflect the local vernacular and would be at odds with the surrounding area and surrounding open countryside. Furthermore, the complexity of the design of the proposed dwelling would be further exacerbated due to the combination of the proposed materials. As such, the proposed development therefore fails to achieve good design and is considered to

be contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.

- 6.4 The proposed development is considered to erode the landscape to the north of the village and to result in the loss of the existing historical field pattern and will impact on the views, landscape and the character setting of the village through it being an extension of urban character into open countryside within a historic landscape setting. The proposed scheme is therefore considered to cause a harmful impact on the rural and historic landscape at this location which is contrary to Selby District Local Plan policy ENV1 (1) and (4), Policy SP19 of the Core Strategy and Appleton Roebuck and Acaster Selby Neighbourhood Development Plan policy ELH4.
- 6.5 The proposal, due to the size, scale, siting, design, layout and location of the site would fail to respect the local character, identity and context of its surroundings and would result in an incongruous extension of an urban character into the rural landscape which currently forms a northern boundary to the Appleton Roebuck Conservation Area thus causing less than substantial harm to its setting and there was no robust evidence for public benefit provided with the application. As such, the proposal is therefore contrary to Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.
- 6.6 It is considered that the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth. The proposal therefore fails to accord with policies ENV1(1) and ENV2 of the Selby District Local Plan, Policy H1 of the ARAS NDP and the NPPF.
- 6.7 Notwithstanding the fact that the proposal is unacceptable in principle and is contrary to a number of policies in terms of its impact on character and form of the area and residential amenities, the scheme is considered acceptable in terms of its impact on a highway safety, flood risk, drainage and climate change, nature conservation and contamination.

7 RECOMMENDATION

This application is recommended to be REFUSED for to the reasons below:

1. The proposal is for a new dwelling outside the defined development limits of Appleton Roebuck and is therefore within the open countryside and the proposed erection of a new dwelling does not fall within any of the exceptions outlined within the Policy SP2 of the Core Strategy. Furthermore, the economic benefits to the local economy arising from a single dwelling would be limited, there is nothing in the proposal to show that it would enhance or maintain vitality of rural community, the proposal is not for rural affordable housing and there are no special circumstances which could be afforded a significant weight. As such, it is considered that the proposal is therefore contrary to Policy SP2A (c) of the Selby District Core Strategy and hence the overall Spatial Development Strategy for the District.
2. The proposed dwelling would be of a large size and scale and would have a substantial footprint which is significantly larger than that of any of the nearby detached properties and combined with the complex design would therefore appear out of context, particularly due to its location beyond the edge of the settlement. The

design of the building is not locally distinctive, does not reflect the local vernacular and would be at odds with the surrounding area and surrounding open countryside. Furthermore, the complexity of the design of the proposed dwelling would be further exacerbated due to the combination of the proposed materials. As such, the proposed development therefore fails to achieve good design and is considered to be contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.

3. The proposed development is considered to erode the landscape to the north of the village, to result in the loss of the existing historical field pattern and will impact on the views, landscape and the character setting of the village through it being an extension of urban character into open countryside within a historic landscape setting. The proposed scheme is therefore considered to cause a harmful impact on the rural and historic landscape at this location which is contrary to Selby District Local Plan policy ENV1 (1) and (4), Policy SP19 of the Core Strategy and Appleton Roebuck and Acaster Selby Neighbourhood Development Plan policy ELH4.
4. The proposal, due to the size, scale, siting, design, layout and location of the site would fail to respect the local character, identity and context of its surroundings and would result in an incongruous extension of an urban character into the rural landscape which currently forms a northern boundary to the Appleton Roebuck Conservation Area thus causing less than substantial harm to its setting and there was no robust evidence for public benefit provided with the application. As such, the proposal is therefore contrary to Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy, Policies DBE2, DBE3, ELH4 and H1 of the ARAS NDP and the advice contained within the NPPF.
5. It is considered that the vehicle movements associated with the proposed new dwelling would cause a detrimental impact of noise and disturbance to the existing and future occupiers of Rosemary Garth due to the location of the site and access road in relation to it. The proposal therefore fails to accord with policies ENV1(1) and ENV2 of the Selby District Local Plan, Policy H1 of the ARAS NDP and the NPPF.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2020/1115/FUL and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None

Annex

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for Nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.



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Planning Committee 2021-22

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